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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 SANDRA R.,¹

12 Plaintiff,

13 v.

14 NANCY A. BERRYHILL, Deputy
15 Commissioner of Operations of
Social Security,

16 Defendant.
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Case No. CV 18-03982 RSWL (RAO)

ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, all of the
19 other records and files herein, and the Report and Recommendation of United States
20 Magistrate Judge (“Report”). The Court has further engaged in a *de novo* review of
21 those portions of the Report to which the Commissioner has objected.

22 The Commissioner contends that, contrary to the Court’s findings in the
23 Report, the Administrative Law Judge (“ALJ”) articulated five specific reasons for
24 discounting Plaintiff’s subjective statements. (Dkt. No. 22 at 1-2.) According to the
25 Commissioner, the ALJ rejected Plaintiff’s allegations because the objective findings
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27 ¹ Partially redacted in compliance with Federal Rule of Civil Procedure 5.2(c)(2)(B)
28 and the recommendation of the Committee on Court Administration and Case
Management of the Judicial Conference of the United States.

1 were inconsistent with Plaintiff's allegations, Plaintiff's activities were inconsistent
2 with the alleged severity of her impairments, Plaintiff stopped working not due to
3 disability but because her employer's business closed, Plaintiff presented no evidence
4 of treatment after March 2015, and Plaintiff was able to participate and interact
5 appropriately at the hearing. (*Id.*)

6 Although the ALJ objectively summarized these portions of the record, the
7 ALJ did not connect them to Plaintiff's testimony and did not explain what testimony
8 was not credible, as is required. *See Holohan v. Massanari*, 246 F.3d 1195, 1208
9 (9th Cir. 2001) ("[T]he ALJ must specifically identify the testimony she or he finds
10 not to be credible and must explain what evidence undermines the testimony."); SSR
11 16-3p, 2016 WL 1119029, at *9 (S.S.A. Mar. 16, 2016) ("The determination or
12 decision must contain specific reasons for the weight given to the individual's
13 symptoms, be consistent with and supported by the evidence, and be clearly
14 articulated so the individual and any subsequent reviewer can assess how the
15 adjudicator evaluated the individual's symptoms."). "[P]roviding a summary of
16 medical evidence in support of a residual functional capacity finding is not the same
17 as providing clear and convincing *reasons* for finding the claimant's symptom
18 testimony not credible." *Brown-Hunter v. Colvin*, 806 F.3d 487, 494 (9th Cir. 2015)
19 (emphasis in original). Providing only a summary of the evidence supporting the
20 ALJ's determination, without some reasoning, is reversible error. *See Treichler v.*
21 *Comm'r of Soc. Sec. Admin.*, 775 F.3d 1090, 1103 (9th Cir. 2014); *see also Reysen*
22 *v. Berryhill*, 743 F. App'x 812, 815 (9th Cir. 2018) (finding error when an ALJ cited
23 to treatment records but failed to identify specific testimony that was inconsistent
24 with those records).

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1 Accordingly, the Court hereby accepts and adopts the findings, conclusions,
2 and recommendations of the Magistrate Judge.

3 IT IS ORDERED that the decision of the Commissioner of Social Security is
4 reversed, and the matter is remanded for further administrative action.

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6 DATED: 4-12-19



RONALD S.W. LEW

RONALD S.W. LEW
UNITED STATES DISTRICT JUDGE